



United States Department of the Interior
Bureau of Land Management

DRAFT

North Dakota Field Office

April 2004



COTEAU PROPERTIES COMPANY FEDERAL COAL LEASE APPLICATION FOR WEST MINE AREA, FREEDOM MINE MERCER COUNTY, NORTH DAKOTA ENVIRONMENTAL IMPACT STATEMENT



The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based on the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation; rangelands; timber; minerals; watershed; fish and wildlife; wilderness; air; and scenic, scientific, and cultural values.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

North Dakota Field Office
2933 Third Avenue West
Dickinson, North Dakota 58601



Dear Reader,

The Bureau of Land Management (BLM) prepared this Draft Environmental Impact Statement (DEIS) to document and disclose results of an environmental analysis for leasing Federal coal in Mercer County, North Dakota.

The following public meetings will allow you to discuss any questions or concerns with BLM personnel.

June 1, 2004, Four Bears Casino & Lodge, New Town, ND 6:30 – 8:00 p.m.

June 2, 2004, Civic Center (120 7 AV NE) Beulah, ND, 6:30 – 8:00 p.m.

June 3, 2004, Prairie Knights Casino & Lodge, Fort Yates, ND, 6:30 – 8:00 p.m.

BLM will accept public comments on this DEIS for 60 days commencing on the date the Environmental Protection Agency publishes a Notice of Availability in the *Federal Register*.

If you wish to comment on the DEIS, your comments should relate directly to the document. We request that you make your comments as specific as possible and that you cite the section within the document you are addressing.

The draft is not a decision document; its purpose is to inform the public and agency decision makers of the impacts of leasing tracts of Federal coal and to evaluate alternatives to leasing the coal.

Please send written comments to Coal Team, Bureau of Land Management, North Dakota Field Office, 2933 Third Avenue West, Dickinson, ND 58601.

If you have any questions please contact Lee Jefferis, Project Manager (701-227-7713) or Doug Burger, Field Manager (701- 227-7703).

Sincerely,

Douglas J. Burger
Field Manager

DRAFT ENVIRONMENTAL IMPACT STATEMENT

#23-04

The Coteau Properties Company

Federal Coal Lease Application NDM 91535

For

West Mine Area, Freedom Mine, Mercer County, North Dakota

Prepared by

The Bureau of Land Management, North Dakota Field Office

In Cooperation with

The Office of Surface Mining Reclamation and Enforcement,
Denver, Colorado

April 20, 2004

COTEAU PROPERTIES COMPANY DRAFT ENVIRONMENTAL IMPACT STATEMENT

Abstract

Lead Agency: Bureau of Land Management, U.S. Department of the Interior

Cooperating Agency: Office of Surface Mining Reclamation and Enforcement

For Further Information Contact: Lee Jefferis, Bureau of Land Management, North Dakota Field Office, 2933 3rd Ave. W., Dickinson, ND 58601 (701) 227-7713 [e-mail: ljefferi@blm.gov]

Proposed Action: Coteau Properties Company applied for 5,571 acres of Federal coal beneath private surface in Mercer County, North Dakota.

Abstract: This EIS analyzes the environmental consequences of three Federal coal-management alternatives. The analysis was based on resource issues and concerns identified during previous coal leasing analyses and public scoping conducted for this application. Potential concerns include impacts to air quality, water resources, soils, land use, vegetation, wildlife, cultural resources, environmental justice and socio-economics. Analysis of cumulative impacts addresses on-going surface mining at the Freedom Mine, Mercer County, North Dakota.

The Proposed Action (Alternative A) considers leasing tracts as requested in the lease application. Coteau Properties Company filed an application to acquire Federal coal as maintenance tracts under Federal coal regulations at 43 CFR 3425, Leasing On Application. Under Alternative A the BLM would lease 5,571 acres of Federal coal beneath private surface. The lease tracts would be subject to standard and special lease stipulations. The coal (an estimated 90 million tons of Federal lignite) would complement reserves of the Freedom Mine.

The No Action Alternative (B) would reject the coal lease application. Federal tracts would not be leased although existing leases at the Freedom Mine would be developed according to the approved mining and reclamation plans.

Alternative C (Modified Leasing) considers leasing while providing added measures to protect cultural resources in the proposed permit area.

Alternative C is the preferred alternative.

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ABBREVIATIONS AND ACRONYMS USED IN THIS REPORT

BLM	Bureau of Land Management
BP	Before Present
CFR	Code of Federal Regulations
CMS	Cultural material scatter
CO	Carbon monoxide
DOI	Department of Interior
dv	Deciview, a measure of view impairment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
F	Fahrenheit
ft	Foot, feet
FWS	U.S. Fish and Wildlife Service
GIS	Geographic Information Systems
HABS/HAER	Historic American Building Survey/Historic American Engineering Record
HAP	Hazardous Air Pollutant
IMPROVE	Interagency Monitoring of Protected Environments
MLA	Mineral Leasing Act of 1920
NAAQS	National Ambient Air Quality Standards
NDAAQS	North Dakota Ambient Air Quality Standards
NHPA	National Historic Preservation Act
NEPA	National Environmental Policy Act of 1969
NO ₂	Nitrogen dioxide
NRCS	National Resource Conservation Service
NRHP	National Register of Historic Places
O ₃	Ozone
OSM	Office of Surface Mining Reclamation and Enforcement
PAP	Permit Application Package, as submitted to PSC
PM _{2.5}	Particulates finer than 2.5 microns in diameter
PM ₁₀	Particulates finer than 10 microns in diameter
PSD	Prevention of significant deterioration
PVT	Private (Fee)
PSC	Public Service Commission, State of North Dakota
RMP	Resource Management Plan
SHPO	State Historic Preservation Office
SHSND	State Historical Society of North Dakota
SIP	State Implementation Plan
SMCRA	Surface Mining Control and Reclamation Act of 1977
SO ₂	Sulfur dioxide
TCP	Traditional Cultural Property
T&E	Threatened and Endangered
THPO	Tribal Historic Preservation Office
TRNP	Theodore Roosevelt National Park
WMA	West Mine Area; permit area analyzed in this document

SUMMARY

This Environmental Impact Statement (EIS) identifies and analyzes potential environmental effects that could result from leasing tracts of Federal coal adjacent to the Freedom Mine, Mercer County, North Dakota. The mine operator (Coteau Properties Company) filed an application to acquire Federal coal as maintenance tracts under Federal coal regulations at 43 CFR 3425, Leasing On Application.

The purpose of this EIS is to disclose potential environmental and socio-economic impacts from leasing and mining coal in the West Mine Area, Mercer County, North Dakota. The need is to acquire Federal coal reserves to be mined in conjunction with adjacent private reserves resulting in conservation of the coal resource and to supply existing contracts.

The Bureau of Land Management (BLM) prepared this EIS to evaluate site-specific and cumulative environmental and socio-economic impacts within and around the proposed permit area. Although BLM does not authorize coal mining (which is regulated by the State of North Dakota and Federal Office of Surface Mining), impacts of mining are considered because they are a logical consequence of issuing a coal lease.

BLM will use the EIS to decide whether to hold a lease sale and issue a lease for Federal coal in the proposed permit area. The sale would be open to any bidder, not only the applicant. A Federal coal lease would be issued to the high bidder as long as a committee determines that the high bid meets the fair-market value of the coal.

The following items are briefly noted:

- Office of Surface Mining (OSM) is a cooperating agency on this EIS and will use the findings to make decisions related to mining the tracts, if leased.
- Lands in the proposed permit area were subject to four coal-planning screens and determined as acceptable for consideration for leasing.
- Scoping was conducted from March 6, 2003 through April 7, 2003. A Notice of Scoping and Notice of Intent to Prepare an EIS was published in the Federal Register on March 6, 2003. Over 190 letters were mailed to interested parties on March 11, 2003.
- The Leasing On Application process is, by law and regulation, an open, public, competitive, sealed-bid process. The applicant may or may not be the successful high bidder. This analysis (EIS) assumes the applicant would be the successful bidder and that each tract would be mined as a maintenance tract for the Freedom Mine.
- The major coal seam within the permit area is the Beulah-Zap bed, which is 15-22 feet thick, except near

the edges of glacial diversion channels. The coal bed dips west at less than one degree and lies beneath overburden ranging from a few feet on the east to nearly 200 feet on the western border.

This EIS analyzes Coteau's Proposed Action and two alternatives for managing Federal coal. The Proposed Action (Alternative A) considers leasing the tracts as requested in the lease application. Alternative B (No Action) considers rejecting the lease application, although existing leases at the Freedom Mine would be developed according to approved mining and reclamation plans. Alternative C considers leasing while providing added protection to cultural resources.

Critical elements of the human environment that could be affected by the proposed action include: cultural resources including American Indian concerns, threatened and endangered species, air quality, water quality, prime and unique farmland, invasive nonnative species, wetlands/riparian zones, and environmental justice. Five critical elements, including: Areas of Critical Environmental Concern, wilderness, floodplains, wild and scenic rivers, and hazardous wastes, are not present in the permit area and are not addressed. In addition to critical elements, the EIS discusses potential impacts on soils, alluvial valley floors, vegetation, wildlife, land use, and socio-economics.

There would be significant impacts on cultural resources under all three alternatives. Because the surface is privately owned and the Federal coal reserves are not contiguous, activities associated with mining would destroy a significant number of prehistoric American Indian stone features whether or not Federal coal is leased. Through consultation with Tribal representatives it was determined that mining of the coal would affect the Hidatsa, Mandan, Arikara, Sioux, and Assiniboine. These Tribes have well documented historic ties to the area.

Alternative C, the preferred alternative, incorporates a preservation component for the prehistoric American Indian stone features. Developed out of Tribal consultations, this alternative sets aside approximately 1,325 acres, 14 Historic Properties, 38 sites, 327 stone rings, 93 stone cairns, 11 stone alignments, one stone effigy and seven burials. \$200,000 would be set aside in an American Indian Education Trust. The alternative provides for investigations of the archeological information contained in the remaining features.

Leasing would extend the projected lifetime of Freedom Mine without an annual increase in production. Economic stability would be maintained in the communities in this area without placing major additional demands on the existing infrastructure or services.